

**PUBLIC NOTICE OF BRIEFING PERIOD**  
**Petition for Review of Hazardous Waste Permit Decision Issued to**  
**CLEAN HARBORS SAN JOSE, LLC**  
**1021 Berryessa Road**  
**San Jose, California**

The California Department of Toxic Substances Control (DTSC) received a petition for review (appeal) from the Clean Harbors San Jose LLC concerning a final permit decision (the Permit) that DTSC issued for the Clean Harbors San Jose LLC Facility located at 1021 Berryessa Road, San Jose, California. On July 24, 2006, DTSC issued Order Number HWCA 0506-P007 which granted Clean Harbors' Appeal Comment (a). Appeal Comment (a) objected to a provision within the Permit's "Unit #1 Special Conditions" that requires maintenance of 2.5 feet of aisle space.

This notice announces that decision and establishes a briefing schedule for the purpose of allowing any interested party to file a written argument concerning the issues raised in Clean Harbors' Appeal Comment (a) about required aisle space.

DTSC invites any interested person to submit written arguments pertaining to Clean Harbors' Appeal Comment (a), which concerns the 2.5 feet of aisle space requirement in "Unit 1 Special Conditions" of the Permit. Written arguments must be restricted to this issue only and must include a supporting statement of reasons. All arguments must be in writing, must be posted marked by **October 23, 2006** and must be mailed to:

Mr. Watson Gin  
Deputy Director  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
P. O. Box 806  
Sacramento, CA 95812-0806

DTSC will not accept arguments that fail to meet the content and filing requirements specified above.

If you would like to speak with a DTSC representative regarding this permit appeal, you may contact:

Mr. Andy Berna-Hicks  
Permitting & Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 100  
Berkeley, CA 94710-2721  
Telephone: 510.540.3956

Clean Harbors' petition for review, DTSC's Order Number HWCA 0506-P007, the final permit decision, and other documents relating to this permit decision are available for your review at the following information repositories:

Dr. Martin Luther King Library  
150 East San Fernando Street  
San Jose, CA 95112

Telephone: 408.808.2000

Department of Toxic Substances Control  
File Room  
700 Heinz Avenue, Suite 100  
Berkeley, CA 94710-2721  
Telephone: 510.540.3800

The public briefing period for this permit appeal will commence on **September 7, 2006** and end on **October 23, 2006**. After considering all written arguments submitted during the briefing period, DTSC will issue an order that sets forth DTSC's final decision on Clean Harbors' Appeal Comment (a). As set forth in Order Number HWCA 0506-P007, the portion of the Permit's "Unit #1 Special Conditions" that requires the maintenance of 2.5 feet of aisle space continues to be stayed pending completion of the appeal process and issuance of DTSC's final decision on the provision has been appealed.



## Department of Toxic Substances Control



Linda S. Adams  
Secretary for  
Environmental Protection

Maureen F. Gorsen, Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

July 24, 2006

Mr. John F. Cermak, Jr.  
Jenkins & Gilchrist, LLP  
12100 Wilshire Boulevard, 15<sup>th</sup> Floor  
Los Angeles, California 90025

Certified Mail No. 7001 0320 0000 9688 9687

**APPEAL OF PERMIT DECISION: Clean Harbors San Jose LLC**

Dear Mr. Cermak:

Enclosed please find the order concerning Clean Harbors' appeal of the permit decision issued by the Department of Toxic Substances Control (DTSC) for the Clean Harbors San Jose LLC Facility, 1021 Berryessa Road in San Jose, California.

The enclosed order grants Clean Harbors' petition for review of the condition concerning aisle space in "Unit #1 Special Conditions" of the permit. DTSC will issue a public notice in the near future that announces this decision and establishes a briefing schedule. This order also denies Clean Harbors' petition for review of provisions concerning labeling, tank thickness and seismic issues. This denial constitutes DTSC's final permit decision on those three provisions.

If you have any questions, please contact Marilee Hanson at (916) 327-0979.  
Thank you for your attention to this matter.

Sincerely,

//original signed by//

Watson Gin, P.E.  
Deputy Director  
Hazardous Waste Management Program

Enclosure

cc: See next page.

Mr. John F. Cermak, Jr.  
July 24, 2006  
Page 2

cc: Mr. Scott Kuhn  
Vice President  
Clean Harbors Environmental Services, Inc.  
200 Arbor Lake Drive, Suite 300  
Columbia, South Carolina 29223

Mr. Peter Weiner  
Paul Hastings Janofsky & Walker  
55 Second Street, 24<sup>th</sup> Floor  
San Francisco, California 94105

Mr. Steve Armann  
RCRA Permits Section  
United States Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, California 94105

Mr. Leonard Robinson  
Chief Deputy Director  
Department of Toxic Substances Control  
1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Orchid Kwei  
Senior Staff Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 23<sup>rd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Barbara Coler, Chief  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

Mr. John F. Cermak, Jr.  
July 24, 2006  
Page 3

cc: Ms. Peggy Harris, Chief  
Regulatory and Program Development Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
1001 "I" Street, 11<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Kim Wilhelm, Chief  
Statewide Compliance Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
8800 Cal Center Drive, 2<sup>nd</sup> Floor  
Sacramento, California 95826

Mr. Mohinder Sandhu  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
8800 Cal Center Drive, 2<sup>nd</sup> Floor  
Sacramento, California 95826

Mr. Sal Ciriello  
Permitting and Corrective Action Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

Mr. Paul Kewin  
Statewide Compliance Division  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
8800 Cal Center Drive, 2<sup>nd</sup> Floor  
Sacramento, California 95826

Mr. Andy Berna-Hicks  
Hazardous Waste Management Program  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710-2737

Mr. John F. Cermak, Jr.  
July 24, 2006  
Page 4

bcc: Mr. Jim Marxen, Chief  
Public Participation Branch  
Office of External Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 22<sup>nd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Richard Sherwood  
Assistant Chief Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 22<sup>nd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Mr. Steve Koyasako  
Assistant Chief Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 22<sup>nd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

Ms. Marilee Hanson  
Senior Chief Counsel  
Office of Legal Affairs  
Department of Toxic Substances Control  
1001 "I" Street, 22<sup>nd</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806

1 STATE OF CALIFORNIA  
2 ENVIRONMENTAL PROTECTION AGENCY  
3 DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
4

5 In the Matter of:

Docket HWCA 0506-P007

7 CLEAN HARBORS SAN JOSE, LLC )  
8 1021 Berryessa Road )  
9 San Jose, California )

RE: ORDER GRANTING PETITION  
FOR REVIEW OF ONE CONDITION  
AND DENYING REVIEW OF  
OTHER CONDITIONS

10 EPA ID No. CAD 059 494 310  
11

California Code of  
Regulations, Title 22  
Section 66271.18

12  
13  
14 **I. INTRODUCTION**  
15

16 On December 31, 2002, the Department of Toxic Substances Control  
17 (Department) issued a Hazardous Waste Facility Permit (Permit) renewal decision for  
18 the Clean Harbors San Jose, LLC storage, treatment and transfer facility located at  
19 1021 Berryessa Road, San Jose, California (Facility). Clean Harbors (Petitioner) filed a  
20 petition for review (appeal) of the Department's decision on or before February 10,  
21 2003. [This Order grants Petitioner's Comment (a), which is an appeal of a provision  
22 within the Permit's "Unit # 1 Special Conditions" concerning aisle space.] The  
23 Department will issue a public notice that will announce this decision, establish a  
24 briefing schedule and state that any interested person may file a written argument.  
25 This Order also denies Petitioner's Comments (b), (c) and (d), which appeal provisions  
26 concerning labeling, tank thickness and seismic issues. This denial constitutes the  
27 Department's final permit decision on these three provisions and the denial is effective  
28

1 on the date of mailing of this Order pursuant to California Code of Regulations, title 22,  
2 section 66271.88 (c).

3  
4 **II. JURISDICTION**

5 The Department has jurisdiction over hazardous waste facility permits and  
6 the imposition of conditions on such permits pursuant to the California Health and  
7 Safety Code section 25200 et seq., and California Code of Regulations, title 22, section  
8 66271.18.

9  
10 **III. BACKGROUND**

11 **A. FACILITY DESCRIPTION**

12 The Petitioner's Facility is a hazardous waste storage, treatment, and transfer  
13 facility, occupying a 3.3 acre site located in an area zoned for heavy industrial use by  
14 the City of San Jose.

15 The Facility receives over five million gallons of hazardous waste annually. Most  
16 industrial wastes are accepted by the Facility, with the exception of explosive wastes,  
17 radioactive wastes, and cylinders containing waste gases. The Facility is authorized to  
18 accept reactive wastes for storage and transfer, but not for treatment. Facility  
19 operations include storage (in containers and tanks), treatment, transfer, consolidation,  
20 reclamation, and volume reduction of industrial and household hazardous waste.  
21 Treatment processes permitted at the Facility include: phase separation (organic  
22 solvents, water, and oil), fuel blending (organic solvents and wastes with fuel value),  
23 neutralization of acidic and basic wastes (pH adjustment), aqueous metal precipitation,  
24 solvent distillation, biological treatment, thermal stripping, evaporation, filtration, air  
25 stripping, oxidation/reduction, carbon absorption, and solidification.

1 **B. FACILITY HISTORY**

2 The Facility began operations in 1974 under the name Solvent Services  
3 Company, Inc. Operations at that time did not include the waste water treatment  
4 system that now exists at the Facility. The Facility operated under a grant of interim  
5 status until the United States Environmental Protection Agency issued a 10-year federal  
6 hazardous waste storage and treatment permit in 1989, and the Department issued a  
7 five-year State permit in 1990. (In 1992, the Department became authorized to  
8 implement the federal Resource Conservation and Recovery Act (RCRA) program in  
9 California, including the issuance of federal hazardous waste permits.) The permit  
10 issued by the Department in 1990 authorized modifications to the Facility which  
11 included installation of waste water treatment tanks, and associated piping and required  
12 containment. The modifications were completed in 1992.

13  
14 In 1990, the City of San Jose prepared and approved an environmental impact  
15 report (EIR) for the Facility's conditional use permit. The Department was one of the  
16 responsible agencies involved in the review of the EIR under the provisions of the  
17 California Environmental Quality Act (CEQA) (Public Resources Code (Pub. Res.  
18 Code), section 21000 et seq.). The City of San Jose recertified the EIR in 1995. For  
19 purposes of the permit renewal decision that is the subject of this appeal, the  
20 Department prepared an addendum to the EIR in 1991 to reflect current baseline  
21 environmental conditions at the Facility.

22 In 1994, Solvent Services, Inc. was acquired by Laidlaw Environmental Services.  
23 In 1997, the Facility changed its name to Laidlaw Environmental Services (San Jose),  
24 Inc. Laidlaw Environmental Services was subsequently purchased by Safety-Kleen,  
25 Inc., and the Facility again changed its name, in 1998, to Safety-Kleen (San Jose), Inc.  
26 Most recently, after Safety-Kleen, Inc. was acquired by Clean Harbors Environmental  
27 Services, Inc., the Facility's name was changed to Clean Harbors San Jose, LLC in  
28 2002.

1 **C. PERMIT DECISION**

2 In 1995, Solvent Services submitted an application for renewal of the Facility's  
3 State hazardous waste facility permit, and in 1999 Safety-Kleen submitted a modified  
4 permit renewal application pertaining to the Facility's federal and State permits.  
5 Consequently, the prior permits originally issued in 1989 and 1990 were extended by  
6 operation of law pending a final decision by the Department on the permit renewal  
7 application. In conjunction with its review of the permit renewal application, the  
8 Department, in May 2001, prepared an Addendum to the EIR prepared and approved  
9 by the City of San Jose for the Facility in 1990. In January, 2002, the Department  
10 issued for public review a single combined federal/State draft permit renewal decision  
11 for the Facility. The public comment period for the draft permit renewal decision  
12 extended from January 18, 2002 through March 4, 2002. A public hearing was held on  
13 February 19, 2002. The only comments received during the public comment period  
14 were submitted by Safety-Kleen. Subsequent to the close of the public comment  
15 period, Safety-Kleen transferred ownership and operation of the Facility to Clean  
16 Harbors. Clean Harbors submitted a revised permit renewal application on October 23,  
17 2002, reflecting the change in ownership and operational control, as well as the name of  
18 the Facility.  
19

20 On December 31, 2002, the Department issued the final Hazardous Waste  
21 Facilities Permit renewal decision for the Clean Harbors San Jose, LLC Facility, along  
22 with a Response to Comments document that included responses to comments that  
23 were received during the public comment period. The final permit decision contained  
24 changes to the draft permit decision, which included: (i) clarifications to the Activity Type  
25 description for the container storage areas included in "Unit #1"; (ii) clarification of the  
26 two and one half (2.5) foot aisle space requirement for all storage areas; (iii) a new  
27 permit condition requiring the Facility to submit to the Department newly calculated  
28 minimum shell thicknesses for all permitted tanks within 90 days after receiving

1 applicable guidance from the Department; (iv) changes necessary to reflect applicable  
2 statutory and regulatory requirements; (v) revisions to the draft Permit to reflect the  
3 Facility name changes; and (vi) various non-substantive changes made to correct  
4 typographical errors, clarify wording, and eliminate ambiguity.

5  
6 **D. PERMIT APPEAL PROCESS**

7 Pursuant to California Code of Regulations, title 22, section 66271.18(a), the  
8 period for filing a petition for review (appeal) of this final Permit decision ended on  
9 February 10, 2002. A petition for review was received on or before that date from Clean  
10 Harbors. Pursuant to California Code of Regulations, title 22, sections 66271.14(b)(2)  
11 and 66271.15, those provisions of the permit renewal decision affected by the appeal  
12 comments were stayed until the Department completed its review of the appeal to  
13 determine which, if any, of the issues raised in the appeal meet the criteria for review  
14 pursuant to California Code of Regulations, title 22, section 66271.18.  
15

16  
17 **IV. STANDARD OF REVIEW**

18  
19 California Code of Regulations, title 22, section 66271.18(a), provides that any  
20 person may petition the Department for review of the final permit decision, but only with  
21 respect to those conditions in the final permit decision that differ from the draft permit  
22 decision. In addition, those persons who filed comments, or participated in the public  
23 hearing, on a draft permit decision (during the public comment period for the draft permit  
24 decision) may petition the Department to review any other condition of the final permit  
25 decision, to the extent that the issues raised in the petition for review were either: (i)  
26 also raised during the public comment period for the draft permit decision, including the  
27 public hearing, or (ii) were not reasonably ascertainable at the time of the public  
28 comment period.

1 Section 66271.18(a) also provides, in pertinent part, that:

2 "The petition shall include a statement of the reasons supporting  
3 that review, including a demonstration that any issues being raised  
4 were raised during the public comment period (including any public  
5 hearing) to the extent required by these regulations and when  
appropriate, a showing that the condition in question is based on:

6 (1) a finding of fact or conclusion of law which is clearly  
erroneous, or

7 (2) an exercise of discretion or an important policy consideration  
8 which the Department should, in its discretion, review."

9 California Code of Regulations, title 22, section 66271.12, specifies the

10 extent to which issues are required to be raised during the public comment period for a  
11 draft permit decision. Specifically, this section states that "All persons, including  
12 applicants, who believe any condition of a draft permit is inappropriate or that the  
13 Department's tentative decision to deny an application or prepare a draft permit is  
14 inappropriate, must raise all reasonably ascertainable issues and submit all reasonably  
15 available arguments and factual grounds supporting their position".

16 In this Permit decision process, the Petitioner submitted comments on the draft  
17 permit renewal decision during the public comment period. Therefore, Petitioner has  
18 standing to petition for review of any issues raised during the public comment period for  
19 the draft Permit renewal decision, as well as any issues that pertain to changes from the  
20 draft to the final Permit decision and issues that were not reasonably ascertainable  
21 during the public comment period for the draft Permit decision.

## 22 23 **V. FINDINGS**

### 24 **Appeal Comment (a)**

25  
26 The Department has determined, with respect to Appeal Comment (a), that the  
27 aisle space requirement specified in "Unit #1 Special Conditions" of the Permit should  
28 be further evaluated. Therefore, pursuant to the criteria set forth in California Code of

1 Regulations, title 22, section 66271.18(a) and (c), the Department is granting  
2 Petitioner's petition for review of this provision of this Permit condition. Pursuant to  
3 California Code of Regulations, title 22, section 66271.18 (c), the Department will issue  
4 a public notice that will announce this grant of review as provided in California Code of  
5 Regulations, title 22, section 66271.9. The public notice will set forth a briefing  
6 schedule for the appeal and will state that any interested person may file a written  
7 argument.  
8

9  
10 **Appeal Comment (b)**

11 Petitioner contends that the requirement in Unit #1 Special Conditions to identify  
12 on the label for each container the location of the container is impractical and is an  
13 impossible standard to satisfy. Petitioner contends that wastes may be stored in  
14 multiple areas and moved over the course of time; and, thus, this permit condition would  
15 require the label to be replaced each time a container is moved to a new storage area.  
16 Petitioner also contends that the identity on a container of the location in which the  
17 container is stored does not provide useful information to an emergency response team.  
18 Petitioner further argues that a container may be located in one area for which it is  
19 permitted, but its presence in that area would constitute a permit violation if the  
20 container is designated on its label for a different area (for which it is also permitted).  
21

22 **Response:**

23 For the reasons discussed below, the Department finds that Petitioner has failed  
24 to meet the burden to establish that the Department should grant a review of this issue  
25 pursuant to the criteria for review set forth in California Code of Regulations, title 22,  
26 section 66271.18(a), because Petitioner has failed to demonstrate that the permit  
27 condition in question is based on a finding of fact or conclusion of law which is clearly  
28 erroneous or an exercise of discretion or an important policy consideration which the  
Department should, in its discretion, review.

As detailed in Table IV.1 of the Permit, each storage area is authorized for  
storage of a different type of hazardous waste. Therefore, contrary to Petitioner's  
assertion, the circumstances under which a container would be moved from one storage  
area to another, and thus require a label change, would be minimal. Furthermore,

1 labeling each container with the number of its designated storage area assists facility  
2 personnel and inspectors in ensuring that the container is being stored in the area  
3 authorized for storage of the waste type held in the container, and minimizes the  
4 potential for mixing of incompatible wastes.

5 This denial of review constitutes the Department's final permit decision on this  
6 provision and this decision shall be effective on the date of mailing of this Order  
7 denying review on the merits. Thus, this provision concerning labeling in Unit #1  
8 Special Conditions is no longer stayed and is in effect on the date of the mailing of this  
9 Order.

10  
11 **Appeal Comment (c )**

12  
13  
14 Petitioner asserts that the Department is imposing an unknown minimum tank  
15 thickness standard in Permit Condition V.2.d (added to the final Permit), which requires  
16 Petitioner to submit to the Department newly calculated minimum shell thicknesses for  
17 all permitted tanks within 90 days after receiving guidance from the Department on  
18 calculating minimum shell thickness. This Permit condition states that these new  
19 minimum shell thicknesses shall replace the minimum shell thicknesses currently listed  
20 in Table IV.2 of the Permit.

21 In the Response to Comments for this Permit, the Department stated that "the  
22 methodology used to calculate minimum tank thickness which was provided in Clean  
23 Harbor's permit application does not meet standard engineering practice", and that the  
24 Department would "provide Clean Harbor with guidance on the procedures for  
25 determining minimum tank thickness". This statement was made by the Department in  
26 response to the public comment submitted by the Facility stating that the Facility was in  
27 the process of having an independent engineer recertify the adequacy of the Facility's  
28 tanks, and that the Facility wished to reserve comment on the minimum tank  
thicknesses specified in the draft permit until receipt of the recertification.

1           Petitioner contends that without knowing what new standard will be applied,  
2 pursuant to Permit Condition V.2.d, Petitioner cannot assess whether such standards  
3 are technically justified, that Petitioner has no ability to challenge such standards, and  
4 that the Department cannot deprive Petitioner of its right to petition for review of a  
5 permit condition by imposing standards that will not be revealed until after the time for  
6 filing a petition has lapsed.

7  
8           **Response:**

9           For the reasons discussed below, the Department finds that Petitioner has failed  
10 to meet the burden to establish that the Department should grant a review of this issue  
11 pursuant to the criteria for review set forth in California Code of Regulations, title 22,  
12 section 66271.18(a), because Petitioner has failed to demonstrate that the Permit  
13 condition in question is based on a finding of fact or conclusion of law which is clearly  
14 erroneous or an exercise of discretion or an important policy consideration that the  
15 Department should, in its discretion, review.

16  
17           Permit condition V.2.d is necessary to ensure compliance with California Code of  
18 Regulations, title 22, section 66264.191 (a) and (f), which state that the Department  
19 shall require that a minimum shell thickness be maintained at all times to ensure  
20 sufficient shell strength. The regulation lists factors to be considered in establishing  
21 minimum shell thickness, and requires the Department, in approving a minimum  
22 thickness, to rely upon appropriate industrial design standards. (As indicated in the  
23 Response to Comments, the methods previously used by Clean Harbors to calculate  
24 minimum shell thickness do not meet standard engineering practice, and, thus, do not  
25 comply with California Code of Regulations, title 22, section 66264.191 (a).) The  
26 regulation also requires owners and operators of existing tanks to submit to the  
27 Department a written statement, signed by an independent qualified engineer, attesting  
28

1 that the tanks are suitably designed to achieve the requirements of the regulation. All  
2 facilities and generators that manage hazardous waste in tanks are required to comply  
3 with this regulatory standard, which is critical to ensuring tank integrity so as to minimize  
4 the potential for tank failures.

5 The standard that is being imposed by the Department, in conjunction with  
6 Permit condition V.2.d, is the standard that has long been set forth in California Code of  
7 Regulations, title 22, section 66264.191 (a) and (f). Therefore, there is no basis for  
8 Petitioner to argue that the Department is imposing a new unknown standard that will  
9 not be revealed until after the appeal period for this Permit. The guidance referenced in  
10 permit condition V.2.d is intended to assist Clean Harbors in complying with the  
11 standard set forth in the regulation. As the term implies this is *guidance* only, and does  
12 not preclude deviations from the guidance as long as the Facility can demonstrate  
13 compliance with the regulatory standard.

14  
15 This denial of review constitutes the Department's final permit decision on this  
16 issue and shall be effective on the date of mailing of this Order denying review on the  
17 merits. Condition V.2.d is no longer stayed and is in effect on the date of the mailing of  
18 this Order.

19 **Appeal Comment (d)**

20  
21 Petitioner contends that, in permit condition V.2.b, the Department is seeking to  
22 retroactively impose a new building code standard on Clean Harbors, and to undo the  
23 Department's prior approval, as a responsible agency under the CEQA process, of the  
24 seismic-related mitigation measures for the Facility. This permit condition requires  
25 Clean Harbors to submit to the Department, within 90 days of the effective date of the  
26 Permit, a geotechnical foundation investigation report that evaluates the potential for  
27 liquefaction hazard and differential settlement, addressing both static and service  
28 conditions.

29  
30 According to Petitioner, in approving the conditional use permit for the Facility,  
31 the City of San Jose (and the responsible agencies under CEQA, including the  
32 Department) approved CEQA mitigation measures and noted that implementation of  
33 these measures will reduce seismic hazards to a non-significant level. Petitioner argues  
34 that it is unprecedented and unreasonable for the Department to ask for a new  
35 geotechnical investigation 8 years after the Facility has been built and 10 years after  
36 such a report was already completed under the supervision of the local agency  
37 responsible for implementing the Uniform Building Code. Petitioner also claims that

1 permit condition V.2.b goes well beyond the standard contained in the regulations for  
2 permitted hazardous waste facilities.

3 **Response:**

4 For the reasons discussed below, the Department finds that Petitioner has  
5 failed to meet the burden to establish that the Department should grant a review of this  
6 issue pursuant to the criteria for review set forth in California Code of Regulations, title  
7 22, section 66271.18(a), because Petitioner has failed to demonstrate that the permit  
8 condition in question is based on a finding of fact or conclusion of law which is clearly  
9 erroneous or an exercise of discretion or an important policy consideration which the  
10 Department should, in its discretion, review.

11 The fact that the Department was involved 10 years ago in the CEQA  
12 review and approval process does not alleviate the Department's responsibility, nor  
13 preclude the Department from exercising its authority, to obtain information and impose  
14 permit conditions determined necessary to protect human health and the environment  
15 (Cal. Code Regs., title 22, sections 66270.30 (h) and 66270.32 (b)(2)). As indicated in  
16 the Response to Comments for this permit decision, because the Facility is located in  
17 an area which has a high liquefaction risk, the Department has determined that it is  
18 necessary to further evaluate the potential for liquefaction and differential settlement.

19 Contrary to Petitioner's assertion, permit condition V.2.b is merely a  
20 request for information, and does not impose a new building code standard on the  
21 Facility. As pointed out in the Response to Comments, Clean Harbors may satisfy this  
22 requirement, in whole or in part, by submitting any previously prepared reports that  
23 address this issue.

24  
25 If the Department determines, after evaluating the information specified in  
26 permit condition V.2.b, that Facility modifications or additional permit conditions are  
27 necessary to protect human health and the environment, these changes would be made  
28 through the permit modification process, which provides for public review and comment

1 and affords the opportunity for the Facility or any member of the public to petition for a  
2 review of such permit modifications.

3  
4 This denial of review constitutes the Department's final permit decision on this  
5 issue and shall be effective on the date of mailing of this Order denying review on the  
6 merits. Condition V.2.b is no longer stayed and is in effect on the date of the mailing of  
7 this Order.

8  
9 **VI. ORDER**

10 **Appeal Comment (a)**

11 For the reasons set forth above, the Department has determined, with  
12 respect to Appeal Comment (a), that the aisle space requirement specified in "Unit #1  
13 Special Conditions" of the Permit raises important factual and policy considerations that  
14 require further evaluation. Therefore, pursuant to the criteria set forth in California Code  
15 of Regulations, title 22, section 66271.18(a) and (c), the Department is granting  
16 Petitioner's appeal of this provision in "Unit #1 Special Conditions".

17 Pursuant to California Code of Regulations, title 22, section 66271.15, the portion  
18 of "Unit #1 Special Conditions" that requires the maintenance of 2.5 feet of aisle space  
19 continues to be stayed pending completion of the appeal process. Pursuant to  
20 California Code of Regulations, title 22, section 66271.15 (c)(2), during this appeal  
21 period, the Facility shall operate in accordance with all applicable aisle space  
22 requirements, including but not limited to those specified in applicable statutes and  
23 regulations, the Facility's 1989 federal permit (i.e. Condition II. H. 4. ) and the 1990  
24 State hazardous waste facility permit (i.e. Condition II. P)..  
25  
26  
27  
28

1 **Appeal Comments (b), (c) and (d)**

2 With respect to Appeal Comments (b), (c) and (d), the Department finds that the  
3 Petitioner has failed to demonstrate that the issues raised in these appeal comments  
4 meet the criteria for review. Therefore, the Department is denying the petition for review  
5 of Appeal Comments (b), (c) and (d). This Order constitutes the Department's final  
6 decision on the merits of Petitioner's appeal of these provisions. The temporary stay of  
7 those provisions addressed in Appeal Comments (b), (c) and (d), pursuant to California  
8 Code of Regulations, title 22, section 66271.15 (a), is hereby lifted, and those permit  
9 provisions are immediately and fully effective and enforceabl  
10

11 //original signed by//

12  
13 DATED: July 24, 2006

14 **Watson Gin, P.E.**  
15 **Deputy Director**  
16 **Hazardous Waste Management Program**  
17 **Department of Toxic Substances Control**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**California Environmental Protection Agency  
Department of Toxic Substances Control**

**HAZARDOUS WASTE FACILITY PERMIT**

**Facility Name:**  
**CLEAN HARBORS SAN JOSE, LLC**  
**1021 BERRYESSA ROAD**  
**SAN JOSE, CALIFORNIA 95133**

**Owner Name:**  
**CLEAN HARBORS SAN JOSE, LLC**  
**1040 COMMERCIAL ST., SUITE 109**  
**SAN JOSE, CALIFORNIA 95112**

**Operator Name:**  
**CLEAN-HARBORS SAN JOSE, LLC**  
**1040 COMMERCIAL ST., SUITE 109**  
**SAN JOSE, CALIFORNIA 95112**

**Permit Number: 01-NC-04**

**Facility EPA ID Number: CAD 059494310**

**Effective Date: February 10, 2003**

**Expiration Date: February 9, 2013**

Pursuant to Section 25200 of the California Health and Safety Code, this RCRA-equivalent Hazardous Waste Facility Permit is hereby issued to: Clean-Harbors San Jose, LLC. The Issuance of this Permit is subject to the conditions set forth in Attachment A and the Part "A" and "B" Applications (Operation Plan) dated October 23, 2002. Attachment A consists of 34 pages.

//original signed by//

**Mohinder S. Sandhu, P.E., Chief**  
**Standardized Permits and Corrective Action**  
**Branch**  
**Department of Toxic Substances Control**

**Issuance Date: December 31, 2002**

**CLEAN HARBORS SAN JOSE, LLC  
1021 BERRYESSA ROAD, SAN JOSE, CALIFORNIA 95133**

**HAZARDOUS WASTE FACILITY PERMIT  
TABLE OF CONTENTS**

---

PART I. DEFINITIONS .....	1
PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP .....	2
1. <u>OWNER</u> .....	2
2. <u>OPERATOR</u> .....	2
3. <u>LOCATION</u> .....	2
4. <u>DESCRIPTION</u> .....	2
5. <u>FACILITY SIZE AND TYPE FOR FEE PURPOSES</u> .....	2
PART III. GENERAL CONDITIONS .....	4
1. <u>PERMIT APPLICATION DOCUMENTS</u> .....	4
2. <u>EFFECT OF PERMIT</u> .....	4
3. <u>COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)</u> .....	5
4. <u>WASTE MINIMIZATION CERTIFICATION</u> .....	5
5. <u>WASTE MINIMIZATION CONDITIONS</u> .....	6
PART IV. PERMITTED UNITS AND ACTIVITIES .....	7
TABLE IV.1 - Maximum Permitted Capacity for Storage in Containers for Unit #1 .....	9
TABLE IV.2 - Storage and Treatment Tank Information .....	28
TABLE IV.3 - Maximum Permitted Capacities for Treatment Processes .....	30
PART V. SPECIAL CONDITIONS WHICH APPLY TO ALL STORAGE AND/OR TREATMENT UNITS	31
PART VI. CORRECTIVE ACTION .....	33
APPENDIX #1 - FACILITY PLOT PLAN .....	34

**ATTACHMENT "A"**  
**PART I. DEFINITIONS**

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, Division 20, Chapter 6.5 and Title 22, California Code of Regulations Division 4.5, unless expressly provided otherwise by this Permit.

1. "DTSC", as used in this Permit, means the California Department of Toxic Substances Control.
2. "Permittee", as used in this Permit, means the Owner and Operator.
3. "HSC", as used in this Permit, means the California Health and Safety Code.
4. "Cal Code Regs", as used in this Permit, means the California Code of Regulations.
5. "Lab Pack", as used in this Permit, means a container filled with smaller containers containing hazardous waste and surrounded by absorbent material.
6. "RCRA", as used in this Permit, means Resource Conservation and Recovery Act.

## PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP

### 1. OWNER

The owner of the facility and the land upon which this facility is located is Clean Harbors San Jose, LLC (hereafter "Owner"), a wholly owned subsidiary of Clean Harbors Environmental Services, Inc.

### 2. OPERATOR

The facility operator is Clean Harbors San Jose, LLC (hereafter "Operator"), a wholly owned subsidiary of the Clean Harbors Environmental Services Incorporated.

### 3. LOCATION

The facility is located at 1021 Berryessa Road, San Jose, California 95133. The facility is located at latitude N 37° 21' 54", longitude W 21° 52' 37". Assessor's parcel numbers are: 241-06-017, -018, -019, 241-07-002, -004, -017, -018. The facility plot-plan is attached as Appendix 1 to this Attachment "A".

### 4. DESCRIPTION

This is a hazardous waste storage, treatment and transfer facility. Operations also include the consolidation, reclamation and volume reduction of industrial and household hazardous waste. The facility began operations in 1974 under the name of Solvent Services Incorporated. The facility is located on a 3.3 acre site in northern San Jose, on the northwest side of Berryessa road, approximately 500 feet east of U.S. Route 101. General land uses within a one-mile radius include industrial and residential uses. The facility receives over five million gallons of hazardous waste annually. Treatment processes permitted at the facility include: phase separation (organic solvents, water, and oil), fuel blending (organic solvents and wastes with fuel value), neutralization of acidic and basic wastes (pH adjustment), aqueous metal precipitation, solvent distillation, biological treatment (metabolic breakdown by bacteria), thermal stripping, evaporation, filtration, air stripping, oxidation/reduction, carbon absorption, and solidification. No onsite disposal has been permitted nor will any be allowed by this permit. The facility also stores hazardous waste in containers and tanks.

### 5. FACILITY SIZE AND TYPE FOR FEES

The facility is categorized as a "Large Storage and Treatment Facility" as defined in HSC, section 25205.1, for purposes of HSC, section 25205.19.

The facility is permitted to manage (store and treat) more than 1,000 tons of hazardous waste during any one month and is therefore defined as a "Large Storage and Treatment Facility".

### **PART III. GENERAL CONDITIONS**

#### **1. PERMIT APPLICATION DOCUMENTS**

The Part "A" Application and the Part "B" Application consisting of volumes I and II (Operation Plan), both dated October 23, 2002, and both revised to reflect the ownership change from Safety-Kleen Corp to Clean Harbors LLC, are hereby made a part of this Permit by reference.

#### **2. EFFECT OF PERMIT**

- (a) The Permittee shall comply with the provisions of the California Health and Safety Code, and Division 4.5 of Title 22, California Code of Regulations. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to, the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the Facility.
- (b) The Permittee is permitted to treat and store hazardous wastes in accordance with the conditions of this Permit. Any treatment or storage of hazardous wastes not specifically authorized in this Permit is strictly prohibited
- (c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.
- (d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee.
- (e) Failure to comply with any term or condition set forth in the Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to HSC, section 25187.
- (f) In addition, failure to submit any information required in connection with the Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Title 22, Cal Code

Regs, section 66270.43).

- (g) In case of conflicts between the Operation Plan and the Permit, the Permit conditions take precedence.
- (h) This Permit includes and incorporates by reference any conditions of waste discharge requirements issued by the State Water Resources Control Board or any of the California Regional Water Quality Control Boards and any conditions imposed pursuant to section 13227 of the Water Code.
- (i) Pursuant to HSC section 25112.5(a)(2), a fingerprint card shall be submitted for each specified individual as part of the Permittee's permit application pursuant to Health and Safety Code, section 25200.4. DTSC will provide written notification to the Permittee of the deadline for submittal of required fingerprint card(s) (or electronic fingerprinting). Failure to submit required fingerprinting card(s) (or electronic fingerprinting) shall result in revocation of this Permit.

3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Final Environmental Impact Report (EIR) for a Conditional Use Permit for Solvent Services, Inc., predecessor to the Permittee, dated July 1990 was prepared by the City of San Jose in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, Section 15070 et seq. of Title 14, California Code of Regulations. The EIR was recertified by the City of San Jose in 1995. DTSC has prepared an addendum to the previously certified EIR to reflect current baseline environmental conditions at the facility.

4. WASTE MINIMIZATION CERTIFICATION

Pursuant to HSC, section 25202.9, the Permittee shall certify annually, by March 1 for the previous year ending December 31, that:

- (a) The facility has a program in place to reduce the volume and toxicity of all hazardous wastes which are generated by the facility operations to the degree, determined by the Permittee, to be economically practicable.
- (b) The method of storage or treatment is the only practicable method or combination of methods currently available to the facility which minimizes the present and future threat to human health and the environment.

The Permittee shall make this certification, in accordance with Title 22, Cal Code Regs, section 66270.11. The Permittee shall record and maintain onsite such certification in the facility Operating Record.

5. WASTE MINIMIZATION CONDITIONS

- (a) The Permittee shall comply with the Hazardous Waste Source Reduction and Management Review Act (SB 14) requirements that are specified in the HSC, sections 25244.19, 25244.20 and 25244.21, and any subsequent applicable statutes or regulations promulgated thereunder. This would include submittal of SB 14 documents to DTSC upon request.

DTSC may require the Permittee to submit a more detailed status report explaining any deviation from, or changes to, the approved waste minimization plan.

#### **PART IV. PERMITTED UNITS AND ACTIVITIES**

This Permit authorizes operation only of the facility units and activities listed below. The Permittee shall not treat or store hazardous waste in any unit other than those specified in this Part, nor shall the Permittee exceed maximum capacity limitations. Any modifications to a unit or activity authorized by this Permit require the approval of DTSC in accordance with the permit modification procedures set forth in Title 22, Cal Code Regs.

##### **UNIT #1**

Container Storage Areas 1,2,3,4,5,6,7 and 14.

##### **LOCATION:**

Located in the southeast corner of the facility. See Appendix #1, the facility plot-plan, which indicates the location of Storage Container Areas 1,2,3,4,5,6,7 and 14.

##### **ACTIVITY TYPE:**

Storage in containers, portable tanks, and bins ranging in size up to 5,000 gallons and pumping between containers and tanks. Containers may also be lab packs. Lab pack containers are limited to a maximum size of one cubic yard. Lab pack consolidation shall take place in subareas within Areas 3 and 6. Location of these covered subareas are shown on the plot plan in Appendix #1.

Bins may not contain free liquids and shall be stored within specific areas of Area 14, as shown on the plot plan attached to this permit as Appendix #1.

Staging (unloading and loading to and from trucks) of containers containing hazardous wastes are permitted within Area 14. Staging operations shall be conducted in accordance with HSC, section 25200.19. The description of operations under Unit #1 should not be viewed as limiting the similar operations that occur in Unit #26.

##### **ACTIVITY DESCRIPTION:**

Hazardous wastes are stored in one of eight areas depending on the type. Hazardous wastes are segregated in order to prevent storage of incompatibles in the same area. (Incompatibles in small volumes of less than 5 gallons may be stored in separate lab packs and stored in the same storage area.)

##### **PHYSICAL DESCRIPTION:**

Unit #1 consists of eight specific Areas as designated in Table IV.1. Secondary containment consists of concrete pavement and concrete berms surrounding each of the eight Areas. Covered subareas, used for lab pack waste consolidation, are located within Areas 3 and 6.

##### **MAXIMUM PERMITTED STORAGE CAPACITY:**

The maximum liquid quantity which may be stored in the eight container storage Areas

numbered 1,2,3,4,5,6,7, and 14 is 95,865 gallons. Maximum storage capacities for the individual storage areas are indicated in Table IV.1. The maximum storage capacity for solids is limited by aisle space and stacking height limitations (see Unit Specific Special Conditions).

WASTE TYPES:

The facility accepts a wide variety of hazardous wastes from off-site generators.

RCRA HAZARDOUS WASTE CODES

RCRA hazardous waste codes approved for container storage are listed in the Part A (see Part III.1 of this Permit) followed by the code S01.

UNIT #1 SPECIAL CONDITIONS

Containers and portable tanks shall not be stacked more than two units high, and the maximum height of such stacking shall not exceed 10 feet. A minimum of two and one half (2.5) feet of aisle space shall be maintained at all times across all required aisles at all hazardous waste storage locations. Aisles are required such that each individual container or portable tank may be directly accessed and inspected using the aisles. Labels shall be visible from the aisle closest to that container or portable tank.

Labels shall be maintained on all containers and portable tanks at all times. Labels on containers and portable tanks outside of the staging areas shall clearly and legibly indicate the hazardous property of the waste, the physical state of the waste, the date the waste was received at the facility (Lab packs completed at the facility will show the date the lab pack was completed.), and the designated storage area number for the container. Containers and portable tanks within the staging areas shall contain labels with either 1) the information listed above for labels outside the staging areas, and/or 2) a generator label and the date the waste was received at the facility.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**Table IV.1  
 Maximum Permitted Storage Capacities for Areas Within Unit #1**

Area	Area Name	Maximum No. of Containers	Maximum Permitted Storage Capacity (gallons)	Dimensions (fbxft) Area (ft squared)**	Waste Stored*
1	Non-flammable Labpack/Solid wastes/Solid incinerables	240	13,200	77 x 26.67 2,056	Appropriate waste codes listed in the Part A
2	Oxidizer wastes	60	3,300	77 x 13 1,001	Appropriate waste codes listed in the Part A
3	Inorganic Labpack/solid wastes	60	3,300	77 x 13 1,001	Appropriate waste codes listed in the Part A
4	Caustic (basic) wastes	60	3,300	78 x 13 1,014	Appropriate waste codes listed in the Part A
5	Inorganic acid wastes	240	13,200	60 x 49.75 2,985	Appropriate waste codes listed in the Part A
6	Flammable and non-flammable organic wastes	675	37,125	54 x 25* 14,163	Appropriate waste codes listed in the Part A
7	Flammable/Organic acid wastes/Low pH	75	4,125	53 x 15 795	Appropriate waste codes listed in the Part A
14	Non-flammable Labpack/Solid haz. wastes/Solid incinerables/Wastes staged for loading	333	18,315	90 x 74 7,739	Appropriate waste codes listed in the Part A

\*Only compatible wastes matching the description for the area are allowed for storage.

\*\* Approximate square footage

**UNIT #2**

**Process Water Storage Tank #12**

**LOCATION:**

Located within containment area #14 (See plot-plan, Appendix #1.)

**WASTE TYPES:**

The water held in this tank may include groundwater from the facility containing hazardous waste.

**ACTIVITY TYPE:**

Process water is collected in this tank before being used in the wastewater treatment system (Unit #9).

**ACTIVITY DESCRIPTION:**

Water is stored in this tank before being used in treatment tanks #28, #29, or #30 for neutralization, precipitation and filtration. This water may contain trace inorganics and trace organic materials (less than 500 ppm).

**PHYSICAL DESCRIPTION:**

Tank dimensions, capacity, construction material, and minimum shell thickness are given in Table IV.2. The tank is bolted to a concrete base within a bermed containment area. This tank is unlined. Pressure control is accomplished by venting to the atmosphere. The waste feed cut-off is manually operated.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

3,500 gallons.

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #3**

**Organic/water mixtures Blending Tank #65**

**LOCATION:**

Located within containment Area #11. (See plot-plan, Appendix #1).

**ACTIVITY TYPE:**

Waste organic/water mixtures are blended in this tank.

**ACTIVITY DESCRIPTION:**

Off-site hazardous wastes containing organics and water mixtures are fed into this tank and held in the tank before either being fed to the appropriate unit for treatment or

shipped off-site for disposal or recycling.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. Pressure control is accomplished by use of a closed vent system. All filling and emptying operations are accomplished through short hoses to hard piping.

MAXIMUM PERMITTED STORAGE CAPACITY:

25,000 gallons

WASTE TYPES:

Organic/water mixtures. All wastes placed in this tank shall be compatible.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactive hazardous wastes designated by EPA Hazardous Waste Code D003 shall be treated with the exception of hazardous wastes containing sulfides at less than 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply the tank complies with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #4

Organic/water mixture Blending Tank #66

LOCATION:

Located within containment Area #11. (See plot-plan, Appendix #1).

ACTIVITY TYPE:

Organic/water mixtures are blended in this tank.

ACTIVITY DESCRIPTION:

Off-site hazardous wastes containing organics and water mixtures are fed into this tank and held in the tank before either being fed to the appropriate unit within the facility for treatment or shipped off-site for disposal or recycling.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. Pressure control is accomplished by use of a closed vent system. All filling and emptying operations are accomplished through shorts to hard piping.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

25,000 gallons

**WASTE TYPES:**

Organic/water mixtures. All wastes placed in this tank shall be compatible.

**RCRA HAZARDOUS WASTE CODES**

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactive hazardous wastes designated by EPA Hazardous Waste Code D003 shall be treated with the exception of hazardous wastes containing sulfides at less than 500 ppm.

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #5**

Reagent Storage Tank TA

**LOCATION:**

Chemical Storage Area #9 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of reagent chemicals used in the wastewater treatment process.

**ACTIVITY DESCRIPTION:**

Reagent is fed into the waste water treatment system (Unit #9) to neutralize, oxidize, or flocculate aqueous solutions of inorganic wastes.

**PHYSICAL DESCRIPTION:**

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. This is a polyethylene tank and does not require a lining. Pressure control is accomplished by venting to the atmosphere.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

2,500 gallons.

**REAGENT TYPES:**

Caustic Reagents: (e.g., Sodium Hydroxide, Potassium Hydroxide, Lime Slurry, etc.)

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #6**

Reagent Storage Tank TB

**LOCATION:**

Chemical Storage Area #9 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of reagent chemicals used in the wastewater treatment process.

**ACTIVITY DESCRIPTION:**

Reagent is fed into the waste water treatment system (Unit #9) to neutralize, oxidize, or flocculate aqueous solutions of inorganic wastes.

**PHYSICAL DESCRIPTION:**

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This is a polyethylene tank and does not require a lining. Pressure control is accomplished by venting to the atmosphere.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

975 gallons.

**REAGENT TYPES:**

Reducing Agents: (e.g., Ferrous Sulfate, Ferric Chloride, Sodium Metabisulfite, etc.)

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #7**

Reagent Storage Tank TC

**LOCATION:**

Chemical Storage Area #9 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of reagent chemicals used in wastewater treatment process.

**ACTIVITY DESCRIPTION:**

Reagent is fed into the waste water treatment system (Unit #9) to neutralize, oxidize, or flocculate aqueous solutions of inorganic wastes.

**PHYSICAL DESCRIPTION:**

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. This is a polyethylene tank and does not require a lining. Pressure

control is accomplished by venting to the atmosphere.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

975 gallons.

**REAGENT TYPES:**

Flocculation Agents (e.g., Metal Grabber®, Sodium N,N-Diethyldithiocarbamate, etc.)

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #8**

Reagent Storage Tank TD

**LOCATION:**

Chemical Storage Area #9 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of reagent chemicals used in waste water treatment.

**ACTIVITY DESCRIPTION:**

Reagent is fed into the waste water treatment system (Unit #9) to neutralize, oxidize, or flocculate aqueous solutions of inorganic wastes.

**PHYSICAL DESCRIPTION:**

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. This is a polyethylene tank and does not require a lining. Pressure control is accomplished by venting to the atmosphere.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

975 gallons.

**REAGENT TYPES:**

Precipitation Agents (e.g., Sodium Sulfide, etc.)

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

### UNIT #9

#### Waste Water Treatment System

(Tanks #28, #29, #30; Scrubber #31; Vacuum Filter #34A; Filter Press #34B)

#### LOCATION:

Inorganic Treatment and Storage Area #8 (tanks #28, #29, #30; Scrubber #31) and Area #14 (Vacuum Filter #34A; Filter Press #34B) (see plot-plan, Appendix #1)

#### ACTIVITY TYPE:

Neutralization, precipitation, oxidation, filtration of waste waters.

#### ACTIVITY DESCRIPTION:

Hazardous waste water is pumped into the tanks from drums or bulk tankers staged in Areas 4 and 5. Water is added, if necessary, from Unit #2 (tank #12). Reagents are added from reagent tanks Unit #5 (tank TA), Unit #6 (tank TB), Unit #7 (tank TC), and/or Unit #8 (tank TD). Vapors from the reactions in Tank #30 are fed through the Scrubber #31. Effluent from the reaction process is fed through the Vacuum Filter #34A and/or Filter Press #34B to remove precipitated solids.

Before discharge into the sanitary sewer, treatment effluent water from this Unit shall not exceed the maximum allowable concentration for hazardous constituents in accordance with the requirements of the San Jose/Santa Clara Water Pollution Control Plant specified in the Permittee's most current Industrial Waste Discharge Permit.

#### PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. Tank #28 is a polypropylene tank. Tanks #29 and Scrubber #31 are unlined and do not accept acidic wastes. Tank #30 is a lined steel reactor tank and accepts untreated wastes. Pressure control for tanks #28 and #29 is accomplished by venting to the atmosphere. Pressure control for tank #30 is accomplished through air vapor Scrubber #31.

#### MAXIMUM PERMITTED TREATMENT CAPACITY:

The maximum permitted treatment capacity for this system is 20,000 gallons per day.

#### WASTE TYPES:

Aqueous inorganic wastes, with trace organics (under 500 ppm).

#### RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) and/or "other" treatment (T04) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

#### AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of

Regulations, title 22, division 4.5, chapter 14, article 28.5.

### UNIT #10

Distillation Treatment System (Batchstill #20, Thin Film Evaporator #14, and Tank #38)

#### LOCATION:

Organic Treatment and Storage, Containment Area #6 (see plot-plan, Appendix #1)

#### ACTIVITY TYPE:

Organic waste is distilled to separate out the various constituents and remove water.

#### ACTIVITY DESCRIPTION:

The Batchstill 20 heats the waste liquids and fractions are removed in the order of their boiling points to temporary storage in one of tanks 38, 61, 62, 63, 64, 65, or 66. Effluent water containing low percentages of organics may be transferred to the waste water treatment system, the Thin Film Evaporator, or shipped off-site. Still bottoms may be further blended and processed or shipped off-site. The distillation process requires approximately 3 hours per batch. Steam for distillation is supplied by an on-site boiler. Cooling water is supplied by an on-site cooling water system.

The Thin Film Evaporator 14 strips volatile solvents from water by allowing the fluid to flow down the interior walls of a heated shell. The resulting fractions are routed to one of tanks 38 or 61 through 66, similar to the Batchstill (see previous paragraph).

#### PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. The tank containment area is lined with materials sufficiently impervious to materials being processed to prevent migration to the subsurface soils.

#### MAXIMUM PERMITTED TREATMENT CAPACITY:

The maximum treatment capacity for the distillation operation is 12,000 gallons per day.

#### WASTE TYPES:

Volatile organic solvents and waste water.

#### RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for "other" treatment (T04) are listed in the Part A Application (see Part III.1 of this Permit). No reactive wastes (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

#### AIR EMISSION STANDARDS SUBPART CC

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #11**

Biotreatment System (Bioreactor 53, Clarifier 58, Air Stripper 54, Carbon Filters 104/105)

**LOCATION:**

Biological Treatment Containment Area #13

**ACTIVITY TYPE:**

Aerobic biological degradation of organic constituents in wastewaters.

**ACTIVITY DESCRIPTION:**

Water with corrosive liquids, organics, stormwater, groundwater and other process/facility waters are fed into this System from storage tanks 48, 50, 51, 52, 55, and 56. Processes include biological treatment, air stripping, and filtering to remove organics and biomass. Effluent water which meets specifications is discharged to the sanitary sewer under the permit issued by the San Jose/Santa Clara Pollution Control Plant. Effluent not meeting specifications must be further treated at the facility or shipped off-site for treatment.

**PHYSICAL DESCRIPTION:**

For a description of these units, see the Operation Plan (Part III.1).

**MAXIMUM PERMITTED TREATMENT CAPACITY:**

The maximum treatment capacity for this system is 192,000 gallons per day, or 8,000 gallons per hour.

**WASTE TYPES:**

Organics, corrosives, groundwater, stormwater, or process liquids from other treatment units at the facility.

**RCRA HAZARDOUS WASTE CODES**

RCRA Hazardous Waste Codes approved for "other" treatment (T04) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #12**

Organics Gravimetric Separation Tank #61

**LOCATION:**

Organic Treatment and Storage Area #11

ACTIVITY TYPE:

Gravimetric separation of organic wastes.

ACTIVITY DESCRIPTION:

Organic mixtures are stored in this conical tank and separate out in phases depending on differences in molecular weight. Treatment is carried out in batches.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2 . The tank is bolted to a reinforced concrete base within a bermed containment area.

MAXIMUM PERMITTED TREATMENT CAPACITY:

Maximum per-batch treatment capacity is 8,000 gallons. Throughput capacity for the tank is 32,000 gallons per day, or four full batches per day.

WASTE TYPES:

Organic waste mixtures with water.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #13**

**Organics Gravimetric Separation Tank #62**

LOCATION:

Organic Treatment and Storage Area #11 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Gravimetric separation of organic wastes.

ACTIVITY DESCRIPTION:

Organic mixtures are stored in this conical tank and separate out in phases depending on differences in molecular weight.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in Table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This is a conical shaped tank.

MAXIMUM PERMITTED TREATMENT CAPACITY:

Maximum per-batch treatment capacity is 8,000 gallons. Throughput capacity for the tank is 32,000 gallons per day, or four full batches per day.

WASTE TYPES:

Organic waste mixtures with water.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #14

Organics Gravimetric Separation Tank #63

LOCATION:

Organic Treatment and Storage Area #11 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Storage of organic wastes.

ACTIVITY DESCRIPTION:

Organic mixtures are stored in this conical tank and separate out in phases depending on differences in molecular weight.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This is a conical shaped tank.

MAXIMUM PERMITTED TREATMENT CAPACITY:

Maximum per-batch treatment capacity is 8,000 gallons. Throughput capacity for the tank is 32,000 gallons per day, or four full batches per day.

WASTE TYPES:

Organic waste mixtures with water.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #15

Organics Gravimetric Separation Tank #64

LOCATION:

Organic Treatment and Storage Area #11 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Gravimetric separation of organic wastes.

ACTIVITY DESCRIPTION:

Organic mixtures are stored in this conical tank and separate out according to differences in molecular weight.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. This is a conical shaped tank. The tank containment area is lined with materials sufficiently impervious to materials being processed to prevent migration to the subsurface soils.

MAXIMUM PERMITTED TREATMENT CAPACITY:

Maximum per-batch treatment capacity is 8,000 gallons. Throughput capacity for the tank is 32,000 gallons per day, or four full batches per day.

WASTE TYPES:

Organic waste mixtures with water.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank treatment (T01) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #16

Cooling Tower #6

LOCATION:

Container Storage Area #14 (see plot-plan, Appendix #1)

**WASTE TYPES:**

The water held in this tank may include groundwater from the facility containing hazardous waste.

**ACTIVITY TYPE:**

Supplies cooling water to tank #30 cooling blanket.

**ACTIVITY DESCRIPTION:**

It supplies cooled groundwater and/or city water for the cooling blanket of Tank #30.

**PHYSICAL DESCRIPTION:**

The cooling tower is a metal tower which is twelve feet long and eight feet wide and is approximately fourteen feet tall.

**MAXIMUM PERMITTED CAPACITY:**

The unit will be operated in accordance with the requirements of the most current Bay Area Air Quality Management District's permit for this facility.

**UNIT #17**

This unit number is unused.

**UNIT #18**

Drum Crusher #35

**LOCATION:**

Container Storage Area #14 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Crushing of drums which were used to hold hazardous wastes.

**ACTIVITY DESCRIPTION:**

Drums are inserted into the Unit and crushed. Crushed drums are placed in a roll-off bin in Area 14.

**PHYSICAL DESCRIPTION:**

The drum crusher is a metal device which is three feet wide, five feet long, and eight feet tall.

**MAXIMUM PERMITTED TREATMENT CAPACITY:**

6 short tons throughput per day.

**WASTE TYPES:**

Drums that were used to hold hazardous wastes. Waste codes are listed in the Part A (see Part III.1).

**UNIT #19**

**Air Pollution Control Device #47**

**LOCATION:**

Containment Area #16 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

This Unit is a chiller condenser that converts vapors to liquids. Vapors from tanks #61, 62, 63, 64, 65, and 66 are routed through this device, condensed, and returned to the tanks.

**ACTIVITY DESCRIPTION:**

Condenser unit for vapors generated in tanks 61 through 66 under normal operating conditions.

**PHYSICAL DESCRIPTION:**

The Chiller Condenser is approximately eighteen feet long, thirteen feet wide, and ten feet tall.

**MAXIMUM PERMITTED TREATMENT CAPACITY:**

Not applicable. This Unit condenses intermittent streams of vapor from hazardous waste tanks.

**WASTE TYPES:**

Organic vapors from tanks 61 through 66.

**RCRA HAZARDOUS WASTE CODES**

RCRA Hazardous Waste Codes approved for "other" treatment (T04) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #20**

**Wastewater Storage Tank #48**

**LOCATION:**

Wastewater Storage Containment Area #13 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of storm waters from containment areas at the facility, or effluent from Unit #9, or groundwater extracted at the site.

ACTIVITY DESCRIPTION:

Storm waters are transferred to this tank. The tank may also store other waters such as effluent from Unit #9, or groundwater.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area.

MAXIMUM PERMITTED STORAGE CAPACITY:

25,000 gallons

WASTE TYPES:

Wastewaters with less than 500 ppm organics.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #21

Wastewater Storage Tank #50

LOCATION:

Wastewater Storage Area #13

ACTIVITY TYPE:

Storage of effluent from the waste water treatment system (Unit #9), stormwater, or groundwater.

ACTIVITY DESCRIPTION

This tank stores waste waters from either of three sources: 1) effluent from the waste water treatment system; 2) stormwater from active containment areas; and 3) groundwater. The contents of this tank may be fed into other treatment units at the facility.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. All tanks are bolted to a reinforced concrete base within a bermed containment area. Tank is unlined and vented to the atmosphere. The tank containment area is lined with materials sufficiently impervious to waste materials being processed to prevent migration to the subsurface soils.

MAXIMUM PERMITTED STORAGE CAPACITY:

15,000 gallons

WASTE TYPES:

Water with less than 500 ppm organics.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #22

Wastewater Storage Tank #51

LOCATION:

Wastewater Storage Containment Area #13 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Storage of effluent from the waste water treatment system (Unit #9), or stormwater, or groundwater.

ACTIVITY DESCRIPTION

This tank stores waste waters from three sources: 1) effluent from the waste water treatment system; 2) stormwater from active containment areas; and 3) groundwater. The contents of this tank may be fed into other treatment units at the facility.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. Tank is unlined and vented to the atmosphere.

MAXIMUM PERMITTED STORAGE CAPACITY:

15,000 gallons

WASTE TYPES:

Water and treatment residues and inorganics and organics at less than 500 ppm.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

UNIT #23

Wastewater Storage Tank #52

LOCATION:

Wastewater Storage Containment Area #13 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Storage of effluent from the waste water treatment system (Unit #9), or stormwater, or groundwater.

ACTIVITY DESCRIPTION

This tank stores waste waters from the following three sources: 1) effluent from the waste water treatment system; 2) stormwater from active containment areas; and 3) groundwater. The contents of this tank may be fed into other treatment units at the facility.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This tank is unlined and is vented to the atmosphere.

MAXIMUM PERMITTED STORAGE CAPACITY:

20,000 gallons

WASTE TYPES:

Water with inorganics and organics below 500 ppm.

RCRA HAZARDOUS WASTE CODES

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #24**

Wastewater Storage Tank #55

**LOCATION:**

Wastewater Storage Containment Area #13 (see plot-plan, Appendix #1)

**ACTIVITY TYPE:**

Storage of effluent from the waste water treatment system (Unit #9), or stormwater, or groundwater.

**ACTIVITY DESCRIPTION**

This tank stores waste waters from the following three sources: 1) effluent from the waste water treatment system; 2) stormwater from active containment areas; and 3) groundwater. The contents of this tank may be fed into other treatment units at the facility.

**PHYSICAL DESCRIPTION:**

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This tank is unlined and vented to the atmosphere.

**MAXIMUM PERMITTED STORAGE CAPACITY:**

15,000 gallons.

**WASTE TYPES:**

Water and inorganics and organics less than 500 ppm.

**RCRA HAZARDOUS WASTE CODES**

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

**AIR EMISSION STANDARDS**

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #25**

Wastewater Storage Tank #56

**LOCATION:**

Wastewater Storage Containment Area #13 (see plot-plan, Appendix #1)

ACTIVITY TYPE:

Storage of effluent from the waste water treatment system (Unit #9), or stormwater, or groundwater.

ACTIVITY DESCRIPTION:

This tank stores waste waters from the following three sources: 1) effluent from the waste water treatment system; 2) stormwater from active containment areas; and 3) groundwater. The contents of this tank may be fed into other treatment units at the facility.

PHYSICAL DESCRIPTION:

Tank dimensions, construction material, and minimum shell thickness are given in table IV.2. The tank is bolted to a reinforced concrete base within a bermed containment area. This tank is unlined and vented to the atmosphere.

MAXIMUM PERMITTED STORAGE CAPACITY:

15,000 gallons.

WASTE TYPES:

Water and inorganics and organics less than 500 ppm.

RCRA HAZARDOUS WASTE CODES:

RCRA Hazardous Waste Codes approved for tank storage (S02) are listed in the Part A Application (see Part III.1 of this Permit). No reactives (D003) are allowed with the exception of wastes with sulfides under 500 ppm.

AIR EMISSION STANDARDS

The Permittee shall comply with the applicable requirements of California Code of Regulations, title 22, division 4.5, chapter 14, article 28.5.

**UNIT #26**

**Parking Lot Staging Areas**

LOCATION:

The parking lot located to the west and north of the bermed containment areas. (see plot-plan, Appendix #1)

PHYSICAL DESCRIPTION:

This area is paved with asphalt and is not bermed.

ACTIVITY TYPE:

Truck unloading, staging. No hazardous waste shall be stored in the staging areas for more than 10 days from the date that it arrives at the facility.

The Permittee shall comply with California Health & Safety Code Section 25200.19 regarding activities in this Unit.

**Table IV.2**  
**Storage and Treatment Tank Information**

Tank Number	Regulated Unit Number	Shape dimen. dia.xht.	Maximum Permitted Capacity (gallons)	Construction material	Waste Stream Treated	Tank Use	Minimum Shell Thickness* (in inches)
<b>Wastewater Treatment</b>							
12	2	vertical 8' x 9.3'	3500	mild steel	water	wastewater treatment	0.094
28	9	vertical 10' x 13'	7500	fiber glass double wall	corrosive wastes or inorganic wastes or wastewaters with low level organics (including D002 and other codes as listed in Part A)	wastewater treatment	0.142/0.198
29	9	vertical 8.8' x 16.5'	7500	stainless steel	neutralized wastes or inorganic wastes and waste waters (D002 and other codes as listed in Part A)	wastewater flocculation	0.094
30	9	vertical 10.7' x 12'	8000	stainless steel double wall	neutralized wastes (D002 and other codes as listed in Part A)	wastewater neutralization	0.094/0.094
31	9	vertical 10.7' x 12'	8000	stainless steel	neutralized wastes (D002 and other codes as listed in Part A)	wastewater acid scrubber	0.094
<b>Organic tank farm</b>							
38	10	vertical 5.6' x 8'	1500	mild steel	organic wastes (D001 and other compatible waste codes as listed in Part A)	storage	0.094
<b>Storage</b>							
48	20	vertical 12.7' x 28'	25000	mild steel	stormwater from containment areas of active facility	storage	0.094
50	21	vertical 11.3' x 20'	15000	mild steel	water with low % organics	storage	0.094
51	22	vertical 11.3' x 20'	15000	mild steel	water with low % organics	storage	0.094
52	23	vertical 13' x 20'	20000	mild steel	wastewater treatment effluent (treated wastes which formerly had inorganic materials or corrosive codes such as D002)	storage	0.094
55	24	vertical 11.3' x 22'	15000	mild steel	wastewater treatment effluent (treated wastes which formerly had inorganic materials or corrosive codes such as D002)	storage	0.094

\*minimum shell thicknesses to be revised. See section V.2.d.

**Table IV.2**  
**Storage and Treatment Tank Information**

Tank Number	Regulated Unit Number	Shape dimen. dia.xht.	Maximum Permitted Capacity (gallons)	Construction material	Waste Stream Treated	Tank Use	Minimum Shell Thickness* (in inches)
56	25	vertical 11.3' x 20'	15000	mild steel	wastewater treatment effluent (treated wastes which formerly had inorganic materials or corrosive codes such as D002)	storage	0.094
<b>Organic tank farm</b>							
61	12	CONE 10' X 19.3	8000	stainless steel	organic water mixture (D001 and other compatible codes as listed in Part A)	gravimetric separation	0.125
62	13	CONE 10' X 19.3	8000	carbon steel	organic waste or organic water mixture (D001 and other compatible codes as listed in Part A)	gravimetric separation	0.125
63	14	CONE 10' X 19.3	8000	carbon steel	organic waste or organic water mixture (D001 and other compatible codes as listed in Part A)	gravimetric separation	0.125
64	15	CONE 10' X 19.3	8000	carbon steel	organic water mixture (D001 and other compatible codes as listed in Part A)	gravimetric separation	0.125
65	3	vertical 12.7' x 28'	25000	carbon steel	organic water mixture (D001 and other compatible codes as listed in Part A)	storage	0.125
66	4	vertical 12.7' x 28'	25000	carbon steel	organic water mixture (D001 and other compatible codes as listed in Part A)	storage	0.125
<b>Chemical Product Storage</b>							
TA	5	vertical 8' x 6.8'	2250	polyethylene	product reagent for use in wastewater treatment	product storage	0.187
TB	6	vertical 5.4' x 7.6'	1000	polyethylene	product reagent for use in wastewater treatment	product storage	0.187
TC	7	vertical 5.4' x 7.6'	1000	polyethylene	product reagent for use in wastewater treatment	product storage	0.187
TD	8	vertical 5.4' x 7.6'	1000	polyethylene	product reagent for use in wastewater treatment	product storage	0.187

\*minimum shell thicknesses to be revised. See section V.2.d.

**Table IV.3**  
**Maximum Permitted Capacities for Treatment Processes**

<b>REGULATED UNIT NUMBER</b>	<b>NAME OF PROCESS</b>	<b>WASTE STREAMS TREATED</b>	<b>MAXIMUM PERMITTED TREATMENT CAPACITY GALLONS/DAY</b>
9	Inorganic wastewater treatment	inorganic wastewaters	20,000
10	Distillation	organic/water mixtures	12,000
11	Biotreatment	organic/water mixtures	192,000
12	Gravimetric separation	organic/water mixtures	32,000
13	Gravimetric separation	organic/water mixtures	32,000
14	Gravimetric separation	organic/water mixtures	32,000
15	Gravimetric separation	organic/water mixtures	32,000
16	Cooling Tower	water	10,000
18	Drum Crusher	drums	6 short tons per day
19	Air Pollution Control, Chiller Condenser	organic vapors from feed tanks	NA

**PART V. SPECIAL CONDITIONS WHICH APPLY TO ALL OF THE FACILITY'S STORAGE AND/OR TREATMENT UNITS.**

V.1 Inspection Schedule

**Clean Harbors San Jose, LLC  
 Monitoring and Inspection Schedule  
 Minimum Requirements**

<b>REGULATED UNIT</b>	<b>FREQUENCY</b>	<b>SPECIFICS OF INSPECTION</b>	<b>Cal Code Regs</b>
Containers and container areas	weekly	Labels, leaks, cracks, deterioration, liquid accumulation in the containment area.	66264.174
Tanks, containment areas, and ancillary equipment	daily	level controls, leaks, cracks, liquid accumulation in the containment area.	66264.195
Tanks, containment areas and ancillary equipment	every year	thickness, corrosion, bulging, and erosion	66264.195(e)
Tanks	every 3 years	entry and inspection of tank integrity	66264.195(e)
Tanks	every 5 years	engineer's certif.	66264.192(i)
Alarm systems, and emergency communication and first aid equipment	monthly	inspection type varies based on type of equipment	66264.33

V.2 Miscellaneous Special Conditions

- a. The Permittee shall not store hazardous waste in excess of one calendar year from the time the hazardous waste was first placed into the permitted units except as provided in California Code of Regulations, title 22, section

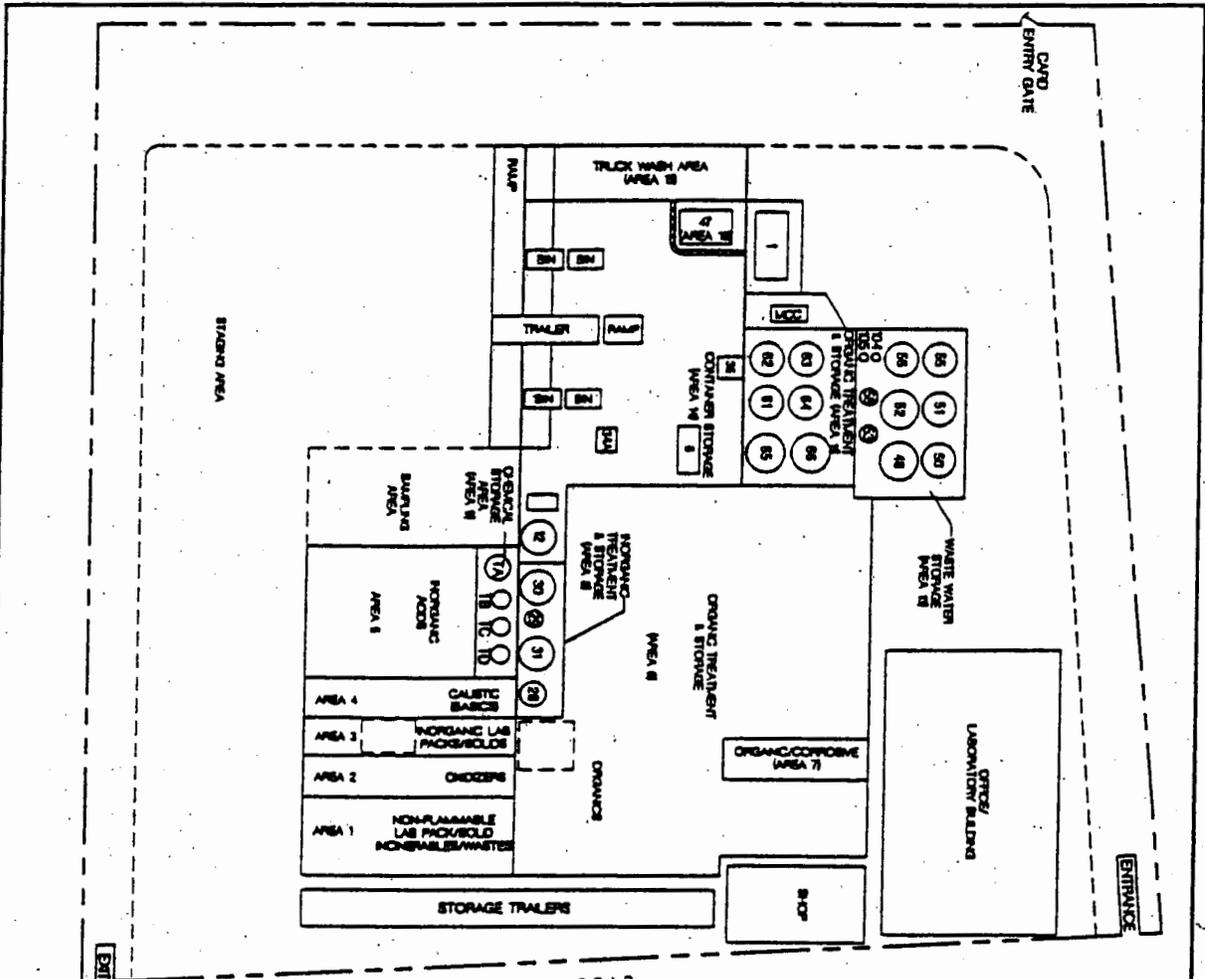
66268.50(c).

- b. The Permittee shall submit to DTSC, within 90 days of the effective date of this Permit, a geotechnical foundation investigation report that evaluates the potential for liquefaction hazard and differential settlement. This report must address static and seismic conditions.
- c. The Permittee shall submit to DTSC within 180 days of the effective date of this Permit, either :
  - 1) a California registered engineer's certification for closure of the Air Stripper #54 (see Unit 11), or
  - 2) a California registered engineer's certification that the Air Stripper #54 has been repaired and is suitable for use as intended.
- d. The Permittee shall submit to DTSC newly calculated minimum shell thicknesses for all permitted tanks to DTSC within 90 days after receiving DTSC's guidance on calculating minimum shell thicknesses for tanks. These new minimum shell thicknesses shall replace the minimum shell thickness currently listed in Table IV.2 of this Permit.
- e. All submittals shall be sent to:

Branch Chief  
Standardized Permits and Corrective Action Branch  
Department of Toxic Substances Control  
700 Heinz Avenue, Suite 200  
Berkeley, California 94710

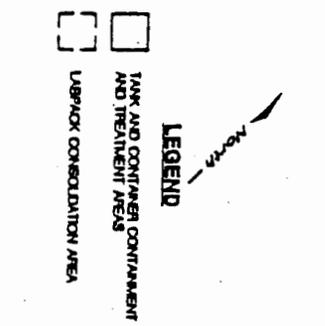
**PART VI. CORRECTIVE ACTION**

The Permittee shall continue to conduct corrective action at the facility pursuant to Health and Safety Code, Section 25200.10. Corrective action shall be carried out under orders issued by the San Francisco Bay Regional Water Quality Control Board, the lead agency for corrective action at the facility. However, DTSC reserves the right to require the Permittee to comply with additional corrective action requirements should the corrective action undertaken by the Permittee be deemed insufficient or inadequate for the protection of public health and the environment.



HAZARDOUS WASTE STORAGE/SEPARATION TANKS				
PART A USE NO.	TANK NO.	CAPACITY GAL.	CONTENTS	COMMENTS
1	1	500	WASH WATER	
2	2	750	CORROSIVE/WATER	
3	3	1500	CORROSIVE/WATER	
4	4	5000	CORROSIVE/WATER	
5	5	5000	CORROSIVE/WATER	
6	6	5000	CORROSIVE/WATER	
7	7	2000	ORGANICS/WATER	
8	8	5000	ORGANICS/WATER	
9	9	5000	ORGANICS/WATER	
10	10	5000	ORGANICS	
11	11	5000	ORGANICS	
12	12	5000	ORGANICS	
13	13	5000	ORGANICS	
14	14	5000	ORGANICS	
15	15	5000	ORGANICS	
16	16	5000	ORGANICS	
17	17	5000	ORGANICS	
18	18	5000	ORGANICS	
19	19	5000	ORGANICS	
20	20	5000	ORGANICS	
21	21	5000	ORGANICS	
22	22	5000	ORGANICS	
23	23	5000	ORGANICS	
24	24	5000	ORGANICS	
25	25	5000	ORGANICS	
26	26	5000	ORGANICS	
27	27	5000	ORGANICS	
28	28	5000	ORGANICS	
29	29	5000	ORGANICS	
30	30	5000	ORGANICS	
31	31	5000	ORGANICS	
32	32	5000	ORGANICS	
33	33	5000	ORGANICS	
34	34	5000	ORGANICS	
35	35	5000	ORGANICS	
36	36	5000	ORGANICS	
37	37	5000	ORGANICS	
38	38	5000	ORGANICS	
39	39	5000	ORGANICS	
40	40	5000	ORGANICS	
41	41	5000	ORGANICS	
42	42	5000	ORGANICS	
43	43	5000	ORGANICS	
44	44	5000	ORGANICS	
45	45	5000	ORGANICS	
46	46	5000	ORGANICS	
47	47	5000	ORGANICS	
48	48	5000	ORGANICS	
49	49	5000	ORGANICS	
50	50	5000	ORGANICS	

HAZARDOUS WASTE TREATMENT EQUIPMENT				
PART A USE NO.	EQUIP. NO.	CAPACITY GAL.	DESCRIPTION	CONTENTS
1	1	...	ROILER	WATER
2	2	...	COOLING TOWER FAN	WATER
3	3	...	FAN	CORROSIVE/WATER
4	4	...	FAN	CORROSIVE/WATER
5	5	...	FAN	CORROSIVE/WATER
6	6	...	FAN	CORROSIVE/WATER
7	7	...	FAN	CORROSIVE/WATER
8	8	...	FAN	CORROSIVE/WATER
9	9	...	FAN	CORROSIVE/WATER
10	10	...	FAN	CORROSIVE/WATER
11	11	...	FAN	CORROSIVE/WATER
12	12	...	FAN	CORROSIVE/WATER
13	13	...	FAN	CORROSIVE/WATER
14	14	...	FAN	CORROSIVE/WATER
15	15	...	FAN	CORROSIVE/WATER
16	16	...	FAN	CORROSIVE/WATER
17	17	...	FAN	CORROSIVE/WATER
18	18	...	FAN	CORROSIVE/WATER
19	19	...	FAN	CORROSIVE/WATER
20	20	...	FAN	CORROSIVE/WATER
21	21	...	FAN	CORROSIVE/WATER
22	22	...	FAN	CORROSIVE/WATER
23	23	...	FAN	CORROSIVE/WATER
24	24	...	FAN	CORROSIVE/WATER
25	25	...	FAN	CORROSIVE/WATER
26	26	...	FAN	CORROSIVE/WATER
27	27	...	FAN	CORROSIVE/WATER
28	28	...	FAN	CORROSIVE/WATER
29	29	...	FAN	CORROSIVE/WATER
30	30	...	FAN	CORROSIVE/WATER
31	31	...	FAN	CORROSIVE/WATER
32	32	...	FAN	CORROSIVE/WATER
33	33	...	FAN	CORROSIVE/WATER
34	34	...	FAN	CORROSIVE/WATER
35	35	...	FAN	CORROSIVE/WATER
36	36	...	FAN	CORROSIVE/WATER
37	37	...	FAN	CORROSIVE/WATER
38	38	...	FAN	CORROSIVE/WATER
39	39	...	FAN	CORROSIVE/WATER
40	40	...	FAN	CORROSIVE/WATER
41	41	...	FAN	CORROSIVE/WATER
42	42	...	FAN	CORROSIVE/WATER
43	43	...	FAN	CORROSIVE/WATER
44	44	...	FAN	CORROSIVE/WATER
45	45	...	FAN	CORROSIVE/WATER
46	46	...	FAN	CORROSIVE/WATER
47	47	...	FAN	CORROSIVE/WATER
48	48	...	FAN	CORROSIVE/WATER
49	49	...	FAN	CORROSIVE/WATER
50	50	...	FAN	CORROSIVE/WATER



HAZARDOUS WASTE CONTAINER STORAGE AREAS			
PART A USE NO.	AREA NO.	CONTENTS	WASTED DRY WEIGHT
1	1	NON-FLAMMABLE LIQ PCKG / BULD	240
2	2	NON-FLAMMABLE LIQ PCKG / BULD	80
3	3	NON-FLAMMABLE LIQ PCKG / BULD	80
4	4	NON-FLAMMABLE LIQ PCKG / BULD	80
5	5	NON-FLAMMABLE LIQ PCKG / BULD	80
6	6	NON-FLAMMABLE LIQ PCKG / BULD	80
7	7	NON-FLAMMABLE LIQ PCKG / BULD	80
8	8	NON-FLAMMABLE LIQ PCKG / BULD	80
9	9	NON-FLAMMABLE LIQ PCKG / BULD	80
10	10	NON-FLAMMABLE LIQ PCKG / BULD	80
11	11	NON-FLAMMABLE LIQ PCKG / BULD	80
12	12	NON-FLAMMABLE LIQ PCKG / BULD	80
13	13	NON-FLAMMABLE LIQ PCKG / BULD	80
14	14	NON-FLAMMABLE LIQ PCKG / BULD	80
15	15	NON-FLAMMABLE LIQ PCKG / BULD	80
16	16	NON-FLAMMABLE LIQ PCKG / BULD	80
17	17	NON-FLAMMABLE LIQ PCKG / BULD	80
18	18	NON-FLAMMABLE LIQ PCKG / BULD	80
19	19	NON-FLAMMABLE LIQ PCKG / BULD	80
20	20	NON-FLAMMABLE LIQ PCKG / BULD	80
21	21	NON-FLAMMABLE LIQ PCKG / BULD	80
22	22	NON-FLAMMABLE LIQ PCKG / BULD	80
23	23	NON-FLAMMABLE LIQ PCKG / BULD	80
24	24	NON-FLAMMABLE LIQ PCKG / BULD	80
25	25	NON-FLAMMABLE LIQ PCKG / BULD	80
26	26	NON-FLAMMABLE LIQ PCKG / BULD	80
27	27	NON-FLAMMABLE LIQ PCKG / BULD	80
28	28	NON-FLAMMABLE LIQ PCKG / BULD	80
29	29	NON-FLAMMABLE LIQ PCKG / BULD	80
30	30	NON-FLAMMABLE LIQ PCKG / BULD	80

**GAMERON-COLE**  
 FIGURE 13  
 EXISTING SITE PLAN  
 SCALE: 1/8" = 1'-0"  
 2/20/01

## MEMORANDUM

**FROM:** Andrew Berna-Hicks  
Project Manager

**TO:** File for Clean Harbors San Jose LLC [formerly Safety Kleen (San Jose) Inc.], San Jose, CA

**DATE:** December 31, 2002

**RE:** **CHANGES MADE FROM DRAFT TO FINAL PERMIT DOCUMENTS  
(PERMIT, PART "A" and PART "B" PERMIT APPLICATION)**

### **I. CHANGES TO THE PERMIT:**

#### **Cover page:**

The name of the facility, facility owner and facility operator were all changed from "Safety-Kleen (San Jose) Inc." to "Clean Harbors San Jose LLC" as a result of the purchase of the facility by Clean Harbors-Environmental Services Inc. The transfer of ownership and operational control of the facility was approved by DTSC on August 26, 2002.

The date for the approved Part "B" Application has been changed from January 2001 to October 23, 2002 to reflect the change in ownership and personnel as a result of purchase of the facility by Clean Harbors.

The effective date and expiration date were added.

The number of pages in Attachment A was changed from 31 to 34 pages.

At the bottom of the page, the word "Issuance" was added in front of "date" to clarify that the date the permit is signed is the issuance date.

#### **Table of Contents:**

The page numbering was changed due to formatting changes.

#### **Page One:**

"CCR as used in this permit..." has been removed from the list of definitions since this abbreviation is no longer used.

"Cal. Code of Regs. as used in this Permit..." has been inserted to reflect the most current abbreviation used for the California Code of Regulations.

"RCRA", as used in this Permit, ..." was added to clarify the meaning of this acronym.

**Page Two:**

The owner and operator name was changed from Safety Kleen to Clean Harbors San Jose LLC.

**Page Three:**

Changed wording from uppercase to lowercase.

**Page Four:**

Added wording to reflect the change in ownership to Clean Harbors LLC.

**Page Five:**

Section 2.i was added to the Permit to reflect recently adopted law in the California Health and Safety Code requiring fingerprinting cards for designated individuals working for the Permittee. This section reads:

"Pursuant to HSC section 25112.5(a)(2), a fingerprint card shall be submitted for each specified individual as part of the Permittee's permit application pursuant to Health and Safety Code, section 25200.4. DTSC will provide written notification to the Permittee of the deadline for submittal of required fingerprint card(s) (or electronic fingerprinting). Failure to submit required fingerprinting card(s) (or electronic fingerprinting) shall result in revocation of this Permit."

**Page Seven:**

\* Wording was changed under the Heading "Activity Type" in Unit "1 in order to clarify operations relating to staging of containers and storage of bins. In summary, the language now makes it clear that 1) bins may not contain free liquids and must be stored within designated areas, 2) staging refers to unloading and loading to and from trucks, and 3) this description does <sup>not</sup> limit similar operations in Unit #26.

The draft permit contained the following language:

Storage in containers and portable tanks ranging in size up to 5,000

gallons and pumping between containers and tanks. Containers may also be lab packs. Lab pack containers are limited to a maximum size of one cubic yard. Lab pack consolidation shall take place in subareas within Areas 3 and 6. Location of these covered subareas are shown on the plot plan in Appendix #1.

Staging of hazardous wastes (unloading and loading of hazardous wastes containers) shall take place within a designated subarea within Area 14. This subarea is indicated on the plot plan in Appendix #1. Staging operations shall be conducted in accordance with HSC section 25200.19.

The final permit reads:

Storage in containers, portable tanks, and bins ranging in size up to 5,000 gallons and pumping between containers and tanks. Containers may also be lab packs. Lab pack containers are limited to a maximum size of one cubic yard. Lab pack consolidation shall take place in subareas within Areas 3 and 6. Location of these covered subareas are shown on the plot plan in Appendix #1.

Bins may not contain free liquids and shall be stored within specific areas of Area 14 as shown on the plot plan attached to this permit as Appendix #1.

Staging (unloading and loading to and from trucks) of containers containing hazardous wastes are permitted within Area 14. Staging operations shall be conducted in accordance with HSC, section 25200.19. The description of operations under Unit #1 should not be viewed as limiting the similar operations that occur in Unit #26.

**Page Eight:**

\* Wording in the section titled "Unit #1 Special Conditions" was changed in regard to aisle space to clarify that aisle spaces of two and one half (2.5) feet shall be maintained, and that aisle spaces are required to allow access to each and every container and portable tank.

Also under this section, in the second paragraph after "Lab packs", the words "completed at the facility" were added to clarify that the requirement refers only to Lab packs completed at the facility.

The draft permit contained the following language:

Containers and portable tanks shall not be stacked more than two units high, and the maximum height of such stacking shall not exceed 10 feet. A minimum of two and one half (2.5) feet of aisle space shall be maintained at all times between the containers and portable tanks and the containment area walls (berms) where berms are over 8 inches in height, and across all required aisles at all hazardous waste storage locations. Aisles are required such that each individual container and portable tank may be directly accessed and inspected using the aisles. Labels shall be visible from the aisle closest to that container or portable tank.

Labels shall be maintained on all containers and portable tanks at all times. Labels on containers and portable tanks outside of the staging areas shall clearly and legibly indicate the hazardous property of the waste, the physical state of the waste, the date the waste was received at the facility (Lab packs will show the date the lab pack was completed.), and the designated storage area number for the container. Containers and portable tanks within the staging areas shall contain labels with either 1) the information listed above for labels outside the staging areas, and/or 2) a generator label and the date the waste was received at the facility.

The final permit reads:

Containers and portable tanks shall not be stacked more than two units high, and the maximum height of such stacking shall not exceed 10 feet. A minimum of two and one half (2.5) feet of aisle space shall be maintained at all times across all required aisles at all hazardous waste storage locations. Aisles are required such that each individual container or portable tank may be directly accessed and inspected using the aisles. Labels shall be visible from the aisle closest to that container or portable tank.

Labels shall be maintained on all containers and portable tanks at all times. Labels on containers and portable tanks outside of the staging areas shall clearly and legibly indicate the hazardous property of the waste, the physical state of the waste, the date the waste was received at the facility (Lab packs completed at the facility will show the date the lab pack was completed.), and the designated storage area number for the container. Containers and portable tanks within the staging areas shall contain labels with either 1) the information listed above for labels outside the staging areas, and/or 2) a generator label and the date the waste was received at the facility.

**Page Twenty-Seven:**

Under Unit #26 the word Activities was changed to Activity Type.

**Page Thirty-One:**

The chart indicating the minimum requirements for Monitoring and Inspection was amended to include the regulatory requirement that engineering certification of tanks be done at least every five years. This is required by California Code of Regulations, section 66264.192(i).

**Page Thirty-Two:**

Section V.2.d. was added to "Miscellaneous Special Conditions". This section requires that new minimum thicknesses for tanks at the facility be submitted.

The new section of the permit reads:

- ⓧ The Permittee shall submit to DTSC newly calculated minimum shell thicknesses for all permitted tanks to DTSC within 90 days after receiving DTSC's guidance on calculating minimum shell thicknesses for tanks. These new minimum shell thicknesses shall replace the minimum shell thicknesses currently listed in Table IV.2 of this Permit.

Section V.2.e. was added to "Miscellaneous Special Conditions". This section requires that all submittals be sent to the Branch Chief at the Berkeley Office of DTSC.

**Facility Plot Plan:**

This drawing of the facility was altered to more clearly indicate that bins of hazardous waste shall be stored within the containment area of Area 14.

**II. CHANGES TO THE PART B PERMIT APPLICATION**

The new owner and operators names were added throughout the document. The date on the revised Part B Permit Application is October 23, 2002. New personnel were also included, as were emergency coordinators and phone numbers.